

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL
WRIT PETITION NO. 429 (MS) OF 2006

Executive Engineer,
Electricity Distribution Division,
Rudrapur-Udham Singh Nagar. Petitioner.

Versus

1. M/s Aggarwal Rice Mill, 18/2 Industrial Area Rudrapur, Udham Singh Nagar.
2. M/s Annapurna Rice Mill, (S.P. Singh & Brothers), Rudrapur Road, Kichha Udham Singh Nagar.
3. M/s S.K. Enterprises, Kashipur Road, Rudrapur, Udham Singh Nagar.
4. M/s Mahaveer Rice & Dal Mill Rudrapur Road, Kichha Udham Singh Nagar.
5. M/s Bansal Dal Mill, Industrial Area, Kichha Road, Rudrapur, Udham Singh Nagar.
6. M/s Mahendra Industries, Bypass Road, Kichha, Udham Singh Nagar.
7. M/s Rudrapur Paddy Products, Industrial Area, Kichha Road, Rudrapur, Udham Singh Nagar.
8. M/s Shiv Shakti Rice Mill, Bhura Rani Road, Rudrapur Udham Singh Nagar.
9. M/s Gir Agro Oils, Haldwani Bypass Road, Kichha, Udham Singh Nagar.
10. M/s Punjab Rice Mills, Rudrapur Road, Kichha Udham Singh Nagar.

11. Consumers Grievances Redressal Forum, Kumaun Zone
Haldwani. Respondents.

Mr. Gopal Narain, Advocate for the petitioner.

Dated: 26.04.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 8th November 2004 passed by respondent no. 11.

Briefly stated, a complaint was filed before the Consumer Grievance Redressal Forum Kumaun Zone, Haldwani with the case that the Rice Mill has been declared seasonal industry by the power corporation hence they are entitled to get off season rebate and the bill sent by the power corporation has not deducted the special off season rebate for the period of 1st March, 2004 to 30.04.2004 according to the separate off season tariff. The petitioner department has contested the matter and placed all schedule of tariff regarding seasonal industries on the basis of contracted load according to the provisions of Clause – 8 of R.T.S.-7

Petitioner has submitted that similar complaints have been made by several consumer (respondent no. 1 to 10) for taking benefit of the order dated 17.06.2004 filed by the respondent no. 11, which were numbered as Complaint No. 7, 8, 14, 16, 17, 20, 21, 23, and 27.

However, the grievance of the petitioner is that on the complaints of respondent no. 1 to 10, the respondent no. 11 passed an interim order on 08.11.2004 and the same is challenged in the present writ petition.

Since the interlocutory order has been passed by way of interim measure, therefore, respondent no. 11 is directed to

decide it finally within a period of six weeks from the date of presentation of the certified copy of the order.

Subject to the aforesaid observations, writ petition is disposed of.

(Rajesh Tandon, J.)

26.04.2006

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